

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

VOLTAGE HOLDINGS, LLC, et al.

Plaintiffs.

v_t

VEEPN CORP., *et al.*

Defendants.

Case No.: 1:22-cv

AFFIDAVIT OF SARAH DUNN

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Sarah Dunn, hereby declares under penalty of laws of the United States of America that the following is true and correct:

1. I am over the age of 18 years of age and am competent to make this declaration. This declaration is based upon my personal knowledge and the facts stated herein are true and accurate.
2. I am employed as Senior Vice President of Voltage Pictures, LLC. I am familiar with the type of documents and records received, created and relied upon by Voltage Pictures, LLC and am also familiar with Voltage Holdings, LLC, an affiliate of Voltage Pictures, LLC. I will refer to Voltage Holdings, LLC and Voltage Pictures, LLC collectively as "Voltage" in my affidavit.
3. Voltage often creates special purpose entities ("SPE") to develop and produce motion pictures. The use of SPEs is standard in the motion picture industry. This is because, in order to support the creative team, all royalties and earnings received through the distribution of a particular motion picture must be distributed only to those who actually worked on that particular motion picture. SPEs allow this "waterfall" of royalties to work. After a certain amount of time, Voltage may merge these SPEs into Voltage Holdings, LLC.
4. I am familiar with the motion pictures owned by Voltage as shown in Exhibit "1" to the Complaint.

1 5. Each of the motion pictures is easily discernible as a professional work as they were created
2 using professional performers, directors, cinematographers, lighting technicians, set designers and
3 editors and with professional-grade cameras, lighting and editing equipment. Each has significant
4 value and has been created, produced and lawfully distributed at considerable expense.
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6 6. As a part of my duties for Voltage, I oversee the anti-piracy efforts of its affiliated SPEs and
7 the effects of piracy on motion pictures produced by Voltage.

8 7. I am aware of the activities of Defendant VEEPNC Corporation (“Defendant”) in promoting
9 and distributing its VPN service as “Popcorn Time VPN” for using the piracy software application
10 “Popcorn Time” and for promoting its VPN service on piracy websites such as YTS.

11 8. Defendant threatens a variety of serious and irreparable harms to Voltage if it is permitted
12 to continue its infringing activities.

13 9. Defendant deliberately induces the widespread, unlicensed streaming and distribution of
14 motion pictures. This unlicensed use threatens the royalties Voltage receives from our distribution
15 agreements.

16 10. Every time a user accesses an unauthorized stream or copy of the motion pictures, Voltage
17 is not being compensated as it would be through authorized streams or copies of the motion
18 pictures. By inducing such unauthorized access, Defendant’s unlawful conduct has caused, and
19 will continue to cause Voltage this very direct and fundamental harm on a daily basis.
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21 11. I understand that Defendant promotes its service on the piracy website YTS website under
22 links to download or stream unauthorized copies of Voltage’s movies such as shown below.
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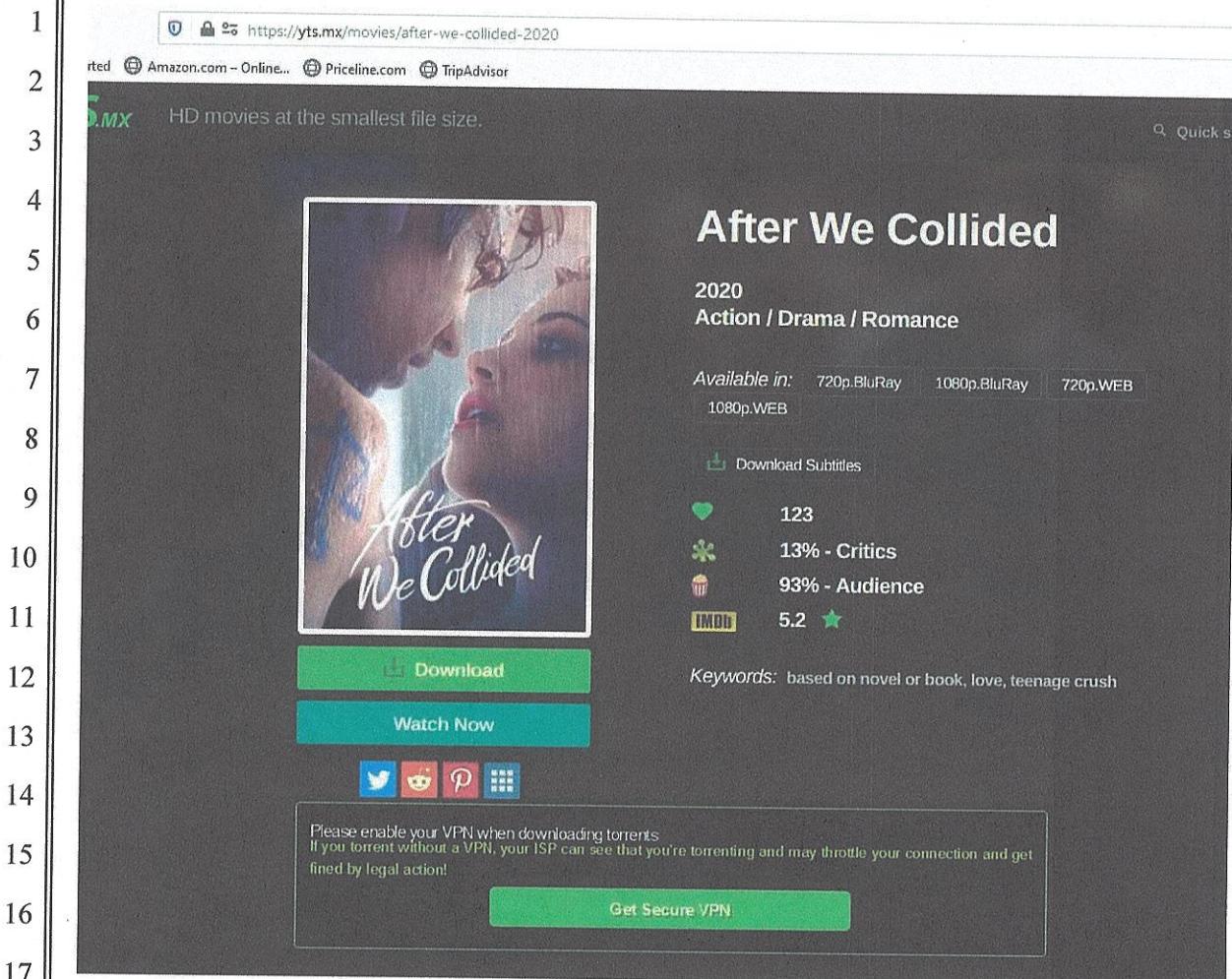
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12. The movie *After We Collided* is owned by the Voltage SPE After II Movie, LLC. After II
13. Movie, LLC did not authorize the YTS website to freely distribute or stream copies of the movie.

14. I also understand that Defendant promotes its VPN service for using Popcorn Time as
15. "Popcorn Time VPN" on its website <https://veepn.com/blog/popcorn-time-vpn/> by emphasizing
16. that because using the piracy app Popcorn Time is against the law its VPN service is essential to
17. avoid punishment.



Why is Popcorn Time VPN Necessary?

As it was mentioned above, people are sharing the files, but not only them. In fact, torrent users share their IP addresses as well. To be more clear, Internet addresses are tied to your torrent downloads. If the individual doesn't use a [reliable VPN service](#) to [mask own IP address](#), he/she does not only demonstrate downloading torrent files but the risk of being tied to specific ones.

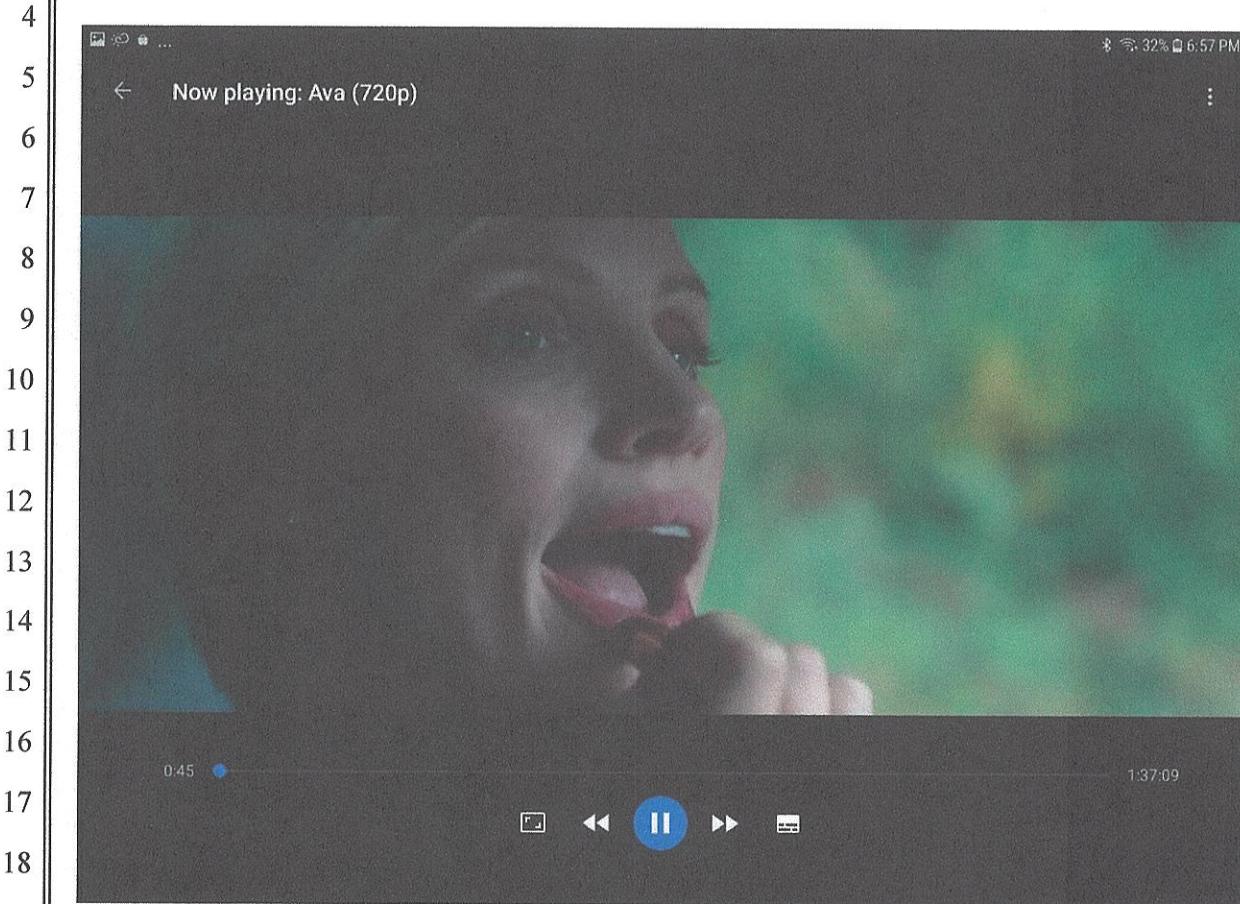
Downloading and sharing files via torrent is a violation of copyright law. It means that you may be punished by law. That's why you need a Popcorn Time VPN. This way, you hide your IP address and decrease the risks of getting into danger. In case you are not eager to be involved in any scandals, you are highly recommended to use a Popcorn Time VPN. Having another IP address will make tracing you impossible. VPN encrypts your information, and no one will discover that you are using a popular torrent client.

14. Because Popcorn Time operates free from licensing restrictions, Defendant's promotion
15. of Popcorn Time has the result of making the motion pictures available through unlicensed
16. distribution channels, thereby interfering with and undermining our contractual commitment to
17. and relationship with our distributor, and undermining our negotiating position for future
18. agreements with authorized distributors.

19. Based on my experience in the industry and understanding of illegal services against
20. which Voltage and our distributors and licensees must compete, I believe the growth of illicit
21. software applications such as Popcorn Time and sources of illegal conduct is fueled in part by the
22. ease and convenience of the infringement that Defendant induces by promoting its VPN service
23. as a tool to safely pirate.

25. I understand that Popcorn Time includes a WATCH IT NOW button as demonstrated by
26. the screenshot below. This button allows users to access illicit sources such as torrents that
27. Defendant encourages its customers to utilize while logged on to its so called Popcorn Time VPN,
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1 thereby providing its customers with the ability to quickly and easily locate an unauthorized
2 source for all of the latest and most popular content including Voltage's such as *Ava* as shown
3 below.



17. Voltage's motion pictures are available through a variety of authorized U.S. distribution
18 channels. For example, the motion picture *Ava* is available for rental as of June 21, 2022 in the
19 United States for purchase on YOUTUBE, AMAZON PRIME, VUDU and GOOGLE PLAY.
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2 **Ava**

3 2020 · Action/Thriller · 1h 36m

4 Watch movie

5 Available on

6 [EDIT SERVICES](#)

Netflix Subscription	Watch	YouTube From \$3.99	Watch
Google Play Movie... From \$3.99	Watch	Vudu From \$3.99	Watch
Amazon Prime Video From \$3.99	Watch	Apple TV From \$4.99	Watch

13. As shown above, a VeePN user using Popcorn Time as encouraged by Defendant who
 14. searched for the motion picture *Ava* can easily obtain and unauthorized copy for free.

15. Popcorn Time as promoted by Defendant offers its customers a premium experience at no
 16. direct cost, contributing to a mistaken and incredibly harmful perception that content should be
 17. instantly and conveniently accessible for free. I am informed and believe that Popcorn Time does
 18. not appear to charge customers for accessing infringing copies.

20. For the foregoing reasons, Defendant's promotion of its VPN service for using Popcorn
 21. Time and piracy websites such as YTS poses a significant threat to the entire legitimate market
 22. for home entertainment, and in particular, for the online distribution market. This threatens the
 23. very foundation of the business of Voltage and the businesses of our distributor.

24. I also understand that Defendant promotes its VPN service as a tool to get around geographic
 25. restrictions of legitimate content distribution platforms such as Netflix on its website
 26. <https://veepn.com/unblock-netflix/>.

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VeePN

What Is VPN? Apps Features Pricing Support

How to Unblock US Netflix in Any Country

1. Sign Up and Download

Pick up your [subscription plan](#) and download the app suitable for your device.

2. Connect

Simply choose a server in a country where Netflix is available.

3. Access US Netflix Freely

Log In to your Netflix account and binge on favorite shows!

22. Voltage often enters into agreements with distributors in different geographic regions for distributing the movies. Accordingly, Defendant is interfering with and undermining our contractual commitment to and relationships with our distributors, and undermining our negotiating position for future agreements with authorized distributors in different geographic regions by encouraging and facilitating its end users to use its VPN service to circumscribe geographic restrictions.

23. The extent of the losses of Voltage arising from Defendant's ongoing, illegal competition regarding content that Voltage created or own, cannot be calculated with precision, nor are these damages likely to be recoverable from Defendant.

24. Without the relief requested in this action, Defendant's infringing activities will continue unabated and Voltage will continue to suffer irreparable harm that no future damages award can mitigate.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: Studio City, California June 28, 2022.

Sarah Dunn

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